

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CHELSEY CHATTMAN

v.

JO ANNE B. BARNHART,
Commissioner of the Social Security
Administration

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C.A. No. 06-209A

MEMORANDUM AND ORDER

This matter is before the Court on the request of Plaintiff Chelsey Chattman (“Plaintiff”) for judicial review of the decision of the Commissioner of the Social Security Administration (“Commissioner”) denying Plaintiff’s application for Supplemental Security Income benefits (“SSI”) under the Social Security Act (“Act”), 42 U.S.C. § 405(g). On January 3, 2007, Defendant Jo Anne B. Barnhart (“Defendant”) filed a Motion under sentence four of 42 U.S.C. § 405(g) for entry of a judgment reversing her decision and remanding this case for further administrative proceedings. (Document No. 12).

With the consent of the parties, this case has been referred to me for all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Based upon my review of the record, and the legal memoranda filed by the parties, I conclude that Defendant’s Motion should be GRANTED and that the matter be remanded to the Commissioner for further administrative proceedings.

Facts and Travel

Plaintiff is a thirty year old woman with an eleventh-grade education who obtained a General Equivalency Diploma in 2003. Compl. ¶ 11; Tr. at pp. 11-12. Plaintiff has “no vocationally relevant work experience.” Compl. ¶ 12; Tr. at p. 15.

On January 6, 2004, Plaintiff filed an application for SSI, which was denied initially and on reconsideration. Compl. ¶ 4; Tr. at p. 66. Plaintiff then filed a timely request for a hearing before an Administrative Law Judge (“ALJ”), which was subsequently held in Providence, Rhode Island. Compl. ¶ 6. Plaintiff personally appeared at the hearing with counsel. Id. The ALJ issued an unfavorable decision on December 27, 2005, which Plaintiff appealed to the Appeals Council. See id. ¶¶ 7, 8. According to Plaintiff’s Complaint, on March 10, 2006, the Appeals Council sent Plaintiff a letter stating that the ALJ’s denial of benefits had been affirmed, thereby rendering the ALJ’s decision the final decision of the Commissioner. See id. ¶ 8.

Plaintiff filed a timely Complaint in this Court on May 8, 2006. On November 22, 2006, Plaintiff moved for summary judgment seeking an award of benefits or, alternatively, remand for further proceedings. (Document No. 9). On January 3, 2007, Defendant’s Assented-to Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) was filed.

Discussion

According to sentence four of Section 205(g) of the Act, “this court has the authority to enter “a judgment...reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Defendant requests that the matter be remanded for rehearing so that the ALJ can consolidate Plaintiff’s December 18, 2003 claim with

her subsequent claim, filed in March 2006, and to update her medical records. If needed, the ALJ may obtain a psychological consultative examination with an assessment of Plaintiff's mental residual functional capacity. Another administrative hearing with medical expert (mental health) and vocational expert testimony will be held. The ALJ will then issue a new decision based on the total record, which evaluates and assigns weight to all medical opinions as required by 20 C.F.R. § 416.1527, and which identifies specific record evidence supporting his or her findings as to Plaintiff's residual functional capacity. This Court agrees that remand to consider such issues is appropriate, and Defendant represents in its Motion that Plaintiff's counsel has assented to such remand.

Conclusion

For the reasons stated above, Defendant's Motion (Document No. 12) is GRANTED and the matter remanded to the Commissioner for further administrative proceedings as detailed above. The Clerk shall enter Final Judgment for Plaintiff in accordance with this Reversal and Remand ORDER.

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
January 4, 2007